

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MARY R. MEIER,	)	
	)	
Plaintiff,	)	
	)	No. 4:16-cv-01549-MTS
v.	)	
	)	
CITY OF ST. LOUIS, ET AL.,	)	
	)	
Defendants.	)	

**DEFENDANT'S TRIAL BRIEF**

Defendant City of St. Louis ("Defendant") submits the following trial brief in advance of the March 7, 2022 trial setting, as directed by the Court in its Order of January 5, 2022 (Doc. 150):

**FACTUAL/ LEGAL ISSUES**

Plaintiff Mary Meier ("Plaintiff") was at all times relevant the owner of a Ford F-150 truck, registered in her name. She asserts violations of her Fourth and Fourteenth Amendment rights against Defendant for failure to return her vehicle after it was towed by Doc's Towing ("Doc's") at the direction of Maryland Heights Police Department ("MHPD") and held at Doc's for approximately 6 weeks before being returned to her.

In December 2015, St. Louis Metropolitan Police Department ("SLMPD") Officer Ashley Kelly responded to a hit-and-run accident. Information that was relayed to Officer Kelly by the victim of the hit-and-run indicated that the vehicle that left the scene was a Ford F-150 truck registered to Plaintiff. Officer Kelly

asked a SLMPD clerk to report the truck as “wanted” for an ordinance violation on the Regional Justice Information Service (“REJIS”) network.

On March 17, 2016, MHPD Police Officer Cliff House saw Ben Meier, Plaintiff’s son, and a companion in Plaintiff’s truck at a hotel parking lot in Maryland Heights. PO House was suspicious of the truck in that location late at night and ran the vehicle’s license plate number in REJIS, which revealed that it was wanted. PO House approached Mr. Meier and the companion in the parking lot, and they were subsequently arrested for reasons unconnected to the wanted. PO House then ordered the truck towed to Doc’s Towing. PO House informed Doc’s tow truck driver Terry Dalton that the vehicle was “wanted” by Defendant, and the truck was towed to Doc’s Towing. Defendant received notice of Plaintiff’s vehicle being towed via an afterhours entry in REJIS from MHPD. Doc’s Towing maintained possession of the vehicle until April 28, 2016.

Against the City, Plaintiff has asserted two claims. The first is a due process violation related to Doc’s Towing’s failure to release the vehicle to Plaintiff. The second is for an illegal seizure relating to Maryland Heights Police Department’s request to tow Plaintiff’s vehicle.

#### ANTICIPATED SUBSTANTIVE OR PROCEDURAL PROBLEMS

Defendant does not anticipate any substantive or procedural problems when introducing Defendant’s own evidence, nor with Plaintiff’s evidence other than what will be addressed in motions in limine. Though Defendant will file the appropriate motions for judgment as a matter of law on all claims, Defendant specifically would

reasserts its arguments made previously that Plaintiff's claim of illegal seizure should be dismissed at this time. Defendant City will objection to Plaintiff's claim of illegal seizure being submitted to the jury, and any related instructions.

Specifically, Plaintiff has made admissions that she does not challenge the initial seizure of her vehicle by MHPD, and any complaint to the duration of the seizure implicates due process and is not proper under the Fourth Amendment. For more detailed argument, see Defendant's Memorandum in Support of it Motion for Judgment on the Pleading (Doc. 141-2) and Defendant's Brief in response to the June 17, 2021 Order of this Court (Doc. 147).

Respectfully submitted,

Sheena Hamilton,  
CITY COUNSELOR

By: /s/ Brandon Laird

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 15, 2022 the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system.

/s/ Brandon Laird

Brandon Laird  
Associate City Counselor